

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLOTTE SMITH,

Plaintiff,

v.

EBAY CORPORATION, ET AL.,

Defendant.

No. C 10-03825 JSW

**NOTICE OF QUESTIONS FOR
HEARING**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE OF
THE FOLLOWING QUESTIONS FOR THE HEARING SCHEDULED ON MAY 25, 2012,
AT 9:00 A.M.:

The Court has reviewed the parties' papers and, thus, does not wish to hear the parties
reargue matters addressed in those pleadings. If the parties intend to rely on authorities not
cited in their briefs, they are ORDERED to notify the Court and opposing counsel of these
authorities reasonably in advance of the hearing and to make copies available at the hearing. If
the parties submit such additional authorities, they are ORDERED to submit the citations to the
authorities only, with reference to pin cites and without argument or additional briefing. *Cf.*
N.D. Civil Local Rule 7-3(d). The parties will be given the opportunity at oral argument to
explain their reliance on such authority. The Court suggests that associates or of counsel
attorneys who are

1 working on this case be permitted to address some or all of the Court's questions contained
2 herein.

3 The parties each shall have ten (10) minutes to address the following questions:

- 4 1. Defendants assume that the tied product market is the "market for payment
5 systems for use in online auctions." However, Plaintiffs make reference to
6 various markets in their Second Amended Complaint. (*See, e.g.* SAC ¶¶ 23-24
7 (online auction market), 30 (Market for online payment systems for use with
8 online auctions), 34 (market for online payment services); *see also* Opp. Br. at
9 2:24 (online auction/payment market), 7:24 (referencing online payment
10 method).) With respect to their tying claim, the Court requests that Plaintiffs
11 clarify how they define the tying product market and the tied product market.
- 12 a. What is Plaintiffs' best argument that the allegations in the SAC, if
13 accepted as true, show harm to competition in the tied product market as
14 they define that market?

15 **IT IS SO ORDERED.**

16 Dated: May 21, 2012

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18 JEFFREY S. WHITE
19 UNITED STATES DISTRICT JUDGE
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